

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAIN RE RULE 45 SUBPOENAS TO  
GOOGLE AND NETFLIX

Case No. 22-mc-80075 (NC)

**ORDER DENYING MOTION TO  
QUASH OR FOR PROTECTIVE  
ORDER AGAINST RULE 45  
SUBPOENAS**

Re: ECF 1

This is a discovery dispute arising out of two document subpoenas issued in a copyright case in the Middle District of Florida. The subpoenas were requested by Strike 3, the alleged copyright holder, to non-parties Google and Netflix. The subpoenas request information about account holder John Doe. *See* ECF 1, attaching subpoenas. In this District, Doe has filed a motion to quash the subpoenas or for a protective order limiting the responses by Google and Netflix. Google and Netflix are not before this Court. The Court has considered all the briefs and resolves the motion to quash without need for a hearing.

As a preliminary matter, this Order finds that this Court has jurisdiction to address Doe's motion under Fed. R. Civ. P. 45. The key question is where the "place of compliance" is under Rule 45. This Order finds that this District, where Netflix and Google are headquartered, is the "place of compliance" even if Strike 3's counsel asked for

1 the documents to be sent to Miami, Florida. Additionally, Doe has standing to challenge  
2 the subpoenas because they obviously are asking about his accounts and activities and he  
3 may object if the subpoenas subject him to an “undue burden.” Fed. R. Civ. P.  
4 45(d)(3)(A)(iv).

5 This Order finds, however, that Doe’s objection was not timely. An objection under  
6 Rule 45(d)(2)(B) must be served before the “earlier of the time specified for compliance or  
7 14 days after the subpoenas is served.” Here, the subpoenas were served Feb. 24, 2022.  
8 And the time specified for compliance was March 14, 2022. Fact discovery in the Florida  
9 action closed March 16, 2022. Yet Doe did not file his motion to quash until March 19,  
10 2022. Under these circumstances, the Court DENIES Doe’s motion to quash as untimely.  
11 Additionally, the Court does not find that the subpoenas impose an undue burden or  
12 expense. Fed. R. Civ. P. 45(d)(1).

13 Because this Order denies the motion to quash or for a protective order, it also  
14 denies Doe’s request for an award of fees. Strike 3 is ordered to provide a copy of this  
15 Order to Google and Netflix.

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17 **IT IS SO ORDERED.**

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19 Dated: April 19, 2022

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NATHANAEL M. COUSINS  
United States Magistrate Judge